IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 3218 of 2007(G)

PETITIONER:

JOSEPH THOMAS,
LAKA PARAMBIL HOUSE, KURISUMMOOD P.O.,
CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:

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1. THANKAMMA SEBASTIAN,
KALLOOKALATHIL HOUSE, KURISUMMOOD P.O.,
CHANGANACHERRY.

2. CHANGANACHERRY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
KOTTAYAM.

ADDL. 4. THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM.
(IMPLEADED AS ADDL. 4TH RESPONDENT AS PER JUDGMENT
DT.30.03.2007 IN WPC).

R2 BY ADV.SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
SRI.PRAKASH P.GEORGE
SRI.B.PREMNATH (E)
R3 BY ADV.SRI. M.K. CHANDRAMOHAN DAS, SC, PCB.
ADDL R4 BY ADV. SRI. K.J. MOHAMMED ANSAR, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 3218 OF 2007

Dated this the 30th day of March, 2007

JUDGMENT

The Ombudsman for Local Self Government Institutions, Thiruvananthapuram is impleaded as additional 4th respondent. Registry will carry out corrections in the cause title.

2. As rightly submitted by Sri.Siby Mathew,Standing Counsel for the Municipality, Ext.P5 order under challenge is only an interlocutory order and it is open to all parties to appear before the Ombudsman in OP No.864 of 2006 and ventilate their grievances.

3. The grievance of the petitioner is that Ext.P5 interim order was passed without notice to him and the effect of Ext.P5 is to direct the Municipality to cancel the licence which the petitioner was having, without even notice to the petitioner. This Court has on considering the Writ Petition for admission stayed the implementation of Exts.P5 and P6.

I dispose of the Writ Petition directing the Ombudsman to dispose of OP No.864 of 2006 in accordance with law at its earliest and at any rate within three months of receiving copy of this judgment. In the mean while Exts.P5 and P6 will continue to be kept in abeyance by the

Municipality and the Municipality will permit the petitioner to maintain the status quo as obtaining today regarding his cement godown.

PIUS C. KURIAKOSE, JUDGE

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